

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jessie R. Washington,) Civil Action No. 4:04-22412-RBH
)
 Plaintiff,)
vs.)
)
Jo Anne B. Barnhart,) **ORDER**
Commissioner of Social Security,)
)
 Defendant.)
)

This matter is before the court for review of the magistrate judge's report and recommendation ("R&R") made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.01(B)(2)(a), (D.S.C.).

The magistrate judge makes only a recommendation to the court, to which any party may file written objections The court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the court is not required to review, under a *de novo* or any other standard, the factual report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the court's review of the Report thus depends on whether or not objections have been filed, in either case, the court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The plaintiff brought this action pursuant to 42 U.S.C. § 405(g), to obtain judicial review of a final decision by the Commissioner of Social Security. The magistrate judge to whom this matter was referred has filed a detailed and comprehensive report recommending that this action be dismissed pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with other Rules and with a court order. The plaintiff has not filed any objections to the magistrate judge's report and recommendation.

In light of the standards set out above, the court has reviewed the report filed by the magistrate and finds that it accurately summarizes this case and the applicable law.

It is therefore **ORDERED** that the report is accepted and incorporated herein by reference, and this action is dismissed pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with other Rules and with a court order.

AND IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

December 9, 2005
Florence, South Carolina